IBM CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 11400 BURNET ROAD AUSTIN, TEXAS 78758

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DATE: <u>4/15/04</u>		RECEIVED CENTRAL FAX CENTER
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SEND TO: Examiner:	United States Patent Office Office of Petitions	_
Group Art Unit: Tel No:	2171	RECEIVED
Fax #:	703-872-9306	
FROM: Tel No:	Marilyn Smith Dawkins	•
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	30US1 Serial No. 10/042,007	
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	le 131 (Robin Zelent)	
X Filing Receipt	, , ,	
X Affidavit Under Ru	le 131 (Nancy Werchan)	
X Docket Record		
X Affidavit Under Rul	e 131 (Marilyn Diane Smith Da	wkins)
Deposit Acct. No. 09-044	7	
Fees: Amendment	_ Notice of Appeal A	Appeal Brief Other

PAGE 1/39 * RCVD AT 4/15/2004 12:41:53 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:512 823 1036 * DURATION (mm-ss):16-46

PATENT 10/042,007

CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 1 5 2004

In re application of

Michael R. Cooper, et al.

Serial No.: 10/042,007 Confirmation Number: 4935

Filed: 01/08/2002

Title: Automatically Populating An Application's Working Directory With Files Having A Specified Type

From Other Directory Locations

: Before the Office of Petitions

: Group Art Unit: 2171

: Intellectual Property Law Department

: International Business Machines Corp. 11400 Burnet Road

: Austin, Texas 78758

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office at facsimile number 703-872-9306 and to the attention of Office of Petitions on 4-15-04.

RECEIVED Beverly Winfield APR 1 9 2004 OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 C.F.R. § 1.137(a)

Mail Stop: Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the decision on the petition to revive an unavoidably abandoned application under 37 CFR 1.137 (a), filed February 12, 2004, we submit a reconsideration of this decision. The "Notice to File Corrected Application Papers" was not received as evidenced by the following copies and affidavits attached herewith.

Attached herewith are:

- i) copies of the mail log during a period surrounding the date of 04/05/2002 showing a lack of entry of the "Notice to File Corrected Application Papers:"
- ii) an affidavit from Robin Zelent, who handled the mail log and made the entries in the mail log during the time period, attesting to the fact that a Notice to File Corrected Application Papers for AUS9-2001-0030-US1 (Serial Number 10/042,007) is not entered in the mail log;

AUS9-2001-0030US1



- an affidavit from Nancy Werchan attesting to the fact that she updated the iii) record for docket AUS9-2002-0030-US1 (Serial Number 10/042,007) with the entry for "Receive Notice to File Corrected Application Papers" with a date of 5-April-2002 after the paper was received via fax from the PTO on February 5, 2003 at 11:33; and that prior to her update there was no entry in the docket record for this item;
- A copy of the docket record for AUS9-2001-0030-US1 (Serial Number iv) 10/042,007); and
- An affidavit from Marilyn Smith Dawkins attesting to the fact that a search v) of the file jacket and docket records indicates that the "Notice to File Corrected Application Papers" was not received.

If any fees are required, I authorize the Commissioner to charge these fees which may be required to Deposit Account No. 09-447. A duplicate copy is attached for your convenience.

Respectfully submitted,

Marilyn Smith Dawkins

Attorney Registration No. 31,140

(512) 823-0094

PATENT 10/042,007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: Before the Office of Petitions

Michael R. Cooper, et al.

Group Art Unit: 2171

Serial No.: 10/042,007

: Intellectual Property Law Department

Confirmation Number: 4935

: International Business Machines Corp.

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: 11400 Burnet Road

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Working Directory With Files Having A Specified Type

From Other Directory Locations

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PAGE 30/39 * RCVD AT 4/15/2004 12:41:53 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:512 823 1036 * DURATION (mm-ss):16-46

PATENT 10/042,007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Michael R. Cooper, et al.

Serial No.: 10/042,007

Confirmation Number: 4935

Filed: 01/08/2002

Title: Automatically Populating An Application's Working Directory With Files Having A Specified Type

From Other Directory Locations

: Before the Office of Petitions

: Group Art Unit: 2171

: Intellectual Property Law Department

International Business Machines Corp.

: 11400 Burnet Road

: Austin, Texas 78758

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

State of Texas

S.S.

County of Travis)

Robin Zelent, being duly sworn, deposes and says:

- I am the administrator that pulled these pages that were bound with an indicator for the year 2002 from the mail log of International Business Machines Corporation, Intellectual Property Law Department, 11400 Burnet Road, Austin, TX 78758.
- 2) I recorded the entries in the mail log for each piece of mail received at the above identified location.
- 3) The Notice to File Corrected Application Papers for AUS9-2001-0030-US1 (Serial Number 10/042,007) that had a Date Mailed of 04/05/2002 by the USPTO was not entered into the mail log, indicating that it was not received. Only the Filing Receipt (F.R.) for AUS9-2001-0030 was received on April 11, 2002, a copy of which is enclosed herewith with IBM's time stamp of 2002 Apr 11 AM 9:06. If a "Notice to File Corrected Application Papers" had been received, an entry would have been made as "notice to file corr app" or "notice to file corr. Papers" or "not to file corr. Papers" examples of which are found under Date Rec. of 5/13, 4/29, 4-24, and 4-22.

Sworn to and subscribed before me this

15th day of april 2004.

LEBLIE A. VANLEEUWEN
Notary Public, State of Texas
My Commission Expires
January 11, 2085

Notary Public

AUS9-2001-0030US1

Page | of 2





Internal Zip 4054

Austin, TX 78758

United States Patent and Trademark Office

COMMISSIONER FOR PATENTE UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/042,007	01/08/2002	2171	1346 At	JS920010030U	31 7	21	10

CONFIRMATION NO. 4935

International Business Machines Corporation Intellectual Property Law Department 11400 Burnet Road

FILING RECEIPT OC0000000007805943

Date Mailed: 04/05/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Michael Richard Cooper, Austin, TX: James Lee Gray, Round Rock, TX;

Assignment For Published Patent Application

International Business Machines Corporation, Armonk, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 04/05/2002

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

Title

Automatically populating an application's working directory with files having a specified type from other directory locations

Preliminary Class

707

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PATENT 10/042,007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Michael R. Cooper, et al.

Serial No.: 10/042,007

Confirmation Number: 4935

Filed: 01/08/2002

Title: Automatically Populating An Application's Working Directory With Files Having A Specified Type From Other Directory Locations

Before the Office of Petitions

: Group Art Unit: 2171

: Intellectual Property Law Department
: International Business Machines Corp.
: 11400 Burnet Road
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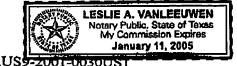
Sш.

State of Texas) S.S.
County of Travis)

Nancy Werchan, being duly sworn, deposes and says:

- I entered item "Receive Notice to File Corrected Application Papers" with a date of 5-April-2002 in the record for docket AUS9-2001-0030-US1 (serial number 10/042,007) after this paper was received via facsimile from the USPTO on February 5, 2004 at 11:33. Prior to February 5, 2004 there was no entry for this item in this docket record. Had this item been received with the "Official Filing Receipt" that was received, this item would have indicated that it had been recorded by Barbara Rogers, the same person who recorded the "Receive Official Filing Receipt".
- 2) I entered items "Prepare Corrected Application Papers" and "Last Chance to File Corrected Application Papers" in the "Completed Tasks" record for docket AUS9-2001-0030-US1 (serial number 10/042,007) after the paper "Notice to File Corrected Application Papers" was received via facsimile from the USPTO on February 5, 2004 at 11:33. No such tasks were listed prior to February 5, 2004.

1 Vancy Werchan



Harlie Man Locuwen

AUS9-2001-0030-US1 Automatically Populating an Application's Working Directory with Files Having a Specified Type from Other Dir



Docket AUS9-2001-0030-US1 Application 10/042007

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By Nancy Werchan On 01/16/2001 11:57:17 AM Last Modified By wpts1 wpts1 On 03/13/2004 10:18:01 AM

Disclosure AUS8-2000-0862 Merged Disclosures None

Title

Automatically Populating an Application's Working Directory with Files Having a Specified Type from Other Directory Locations

Summary

Status	Pending
File date	08-Jan-2002
Abandon date	
Application number	10/042007
Priority date	08-Jan-2002
Processing location	AUS
Responsible attorney	Marilyn Dawkins/Austin/IBM
Task attorney	Marilyn Dawkins/Austin/IBM
Task edministrator	Bev Copher/Austin/IBM
Outside counsel firm	
Technology code	
PPM tech area	600 - Software/Services/Applications/Solutions
PPM rating	
Application jurisdiction	US
Application type	Regular
Intellectual property type	Utility Patent
Patent ownership	IBM Only
Owning division	SWSD
Owning functional area	59 - NCS - CUSTOMER ENV.TEST (D. Faurot.except Atkin,Barrs,Gesacion,Stoetzel))
PPM selected countries	

Inventors with Lotus Notes IDs

Inventors: James Gray/Austin/IBM, Michael Cooper/Austin/IBM

Inventor Name	Inventor Serial	Div/Dept	Inventor Phone	Manager Name	
> Gray, J.L. (James)	375023	7J/RKRA	N/A	Faurot, Dorothy K.	\neg
Cooper, Michael	514489	7J/EHPA	N/A	Gray, J.L. (James)	i
> denotes primary contact					

Inventors without Lotus Notes IDs

Docket Information

Original location		
Decision date	01/16/2001	
Target filing date		
Attorney docket number		

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AUS9-2001-0030-US1 Automatically Populating an Application's Working Directory with Files Having a Specified Type from Other Dir

IBM to pay fees	• Yes O No
Date distributed to counterpart countries	
Owning division	CMOD
Owning functional area	SWSD 69 - NCS - CUSTOMER ENV.TEST (D. Faurot, except
on mig randagital electrical	Atkin,Bans,Gesacion,Stoetzell)
Funding division	AIM
PPM original counterpart date	
PPM quota type	○ National ○ PCT ○ EP
Local use	MSD
Comments	
Outside Counsel Information	
Outside counsel firm	
Outside counsel attorney name	
Date sent to outside counsel	
Outside counsel target date	
Date received from outside counsel	
Outside counsel reference number	
Outside counsel evaluation form completed	
Application Information	
Application number	10/042007
Confirmation number	4935
Filing date	01/08/2002
Priority date Priority jurisdiction	01/08/2002
Priority application serial number	United States of America
Application type	Decide
Number of spec pages	Regular 19
Sheet(s) of drawings	7
Number of independent claims	10
Total number of claims	21
Examining group	1346
Foreign license grant date	04/05/2002
Foreign license grant country	
Nonpublication requested	Yes ■ No
Projected publication date	
Date published/laid open	
Publication number	
Search report publication date	
Search report received date	
PCT National Phase entry due date	
PCT National Phase entry date	
PCT International search authority	
PCT receiving office PCT chapter	
·	
Examination requested date	
Designations paid	U Yes ● No
Designations paid date	
Number of designations fees paid	
Pretiminary examinations report received	() Yes ● No
Assignee	
Assignment record date	01/08/2002
Assignment reel & frame	012494/0276

AUS9-2001-0030-US1 Automatically Populating an Application's Working Directory with Files Having a Specified Type from Other Directory

Date IDS submitted	01/08/2002	
Notice of allowance date		***
Issue fee paid date		
Appeal number		11. "
Appeal date		<u> </u>
Associated application docket number		
Associated application relationship		
Defensive publication number		

Joint Venture/Alliance Information

Patent ownership	IBM Only		
Alliance company name(s)			
Alliance ID			•
Alliance IBM log number			
Alliance reference number			
Filing party			——————————————————————————————————————
Government contract information			

Patent Information

Patent number		
Issue date		
Patent term adjustment		
Expiration date	01/08/2022	
Abandon date		
Number of claims allowed		· · · · · · · · · · · · · · · · · · ·
International classification		
USPTO classification		
Date rights initiated		
Date rights terminated		· · · · · · · · · · · · · · · · · · ·
Company divested to		
Licensing		
Date sent to retention		
Retention box number		

Interference/Opposition Data

Interference/Opposition number	•	
Date opposition/interference declared		
Date opposition/interference terminated		 •
Senior party		
Junior party		

Prosecution Events

Event Name	Date	Recorded by	
Docket Application for Filing File Application: Informal Draw - IDS - Formal papers Receive Postcard - Application Filing Complete Dossier Receive Notice of Assignment & Recordation Receive Official Filing Receipt Receive Notice to File Corrected Application Papers Complete FDT Receive Notice of Abandonment File Request to Revive File Drawings (Formal) File Corrected Application Papers Receive Decision Denying Request to Revive	16-Jan-2001 8-Jan-2002 8-Jan-2002 13-Mar-2002 20-Mar-2002 5-Apr-2002 17-Jun-2002 26-Jan-2004 12-Feb-2004 12-Feb-2004 26-Feb-2004	Nancy Werchan Barbara Rogers Barbara Rogers Sue Stewart Nancy Werchan Barbara Rogers Nancy Werchan Robin Zelent Barbara Rogers Nancy Werchan Nancy Werchan Nancy Werchan Nancy Werchan Nancy Werchan Nancy Werchan Barbara Rogers	

Page 3

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Tasks

Open Tasks	Indicator	Due	Task Person
Prepare Request to Revive or Request Reconsideration	Due Date	26-Apr-2	004 Marilyn Dawkins
Completed Tasks	Indicator	Due	Completed Task Person
Prepare Patent Application Prepare Dossier Prepare Formal Drawings Prepare Corrected Application Papers Prepare FDT Last Chance to File Corrected Application Papers	Due Date Due Date Due Date Due Date Due Date Due Date Final	16-Jul-2001 8-Mar-2002 8-Apr-2002 5-Jun-2002 8-Jul-2002 5-Oct-2002	7-Jan-2002 Marilyn Dawkins 12-Mar-2002 Bev Copher 12-Feb-2004 Bev Copher 12-Feb-2004 Marilyn Dawkins 24-Jun-2002 Bev Copher 12-Feb-2004 Marilyn Dawkins
Prepare Request to Revive	Final	27-Jan-2004	

Claims

Claims at Filing

1. A computer program on a computer usable medium having computer readable program code means, comprising:

program code means for generating a user interface having means for receiving a specified application name, at least one specified search directory, at least one specified target directory, and at least one specified file descriptor and

program code means for automatically populating the specified target directory with each file, from the at least one specified search directory, matching the specified file descriptor, when the specified named application is started.

Marilyn Dawkins/Austin/IBM 13-Mar-2002

Claims at Issue

Docket History

Entered on 27-Mar-2002 by Christine S Ferreira (Marilyn Dawkins as Responsible Attorney) PPM Technical Area changed from 200 to 600 Entered on 20-May-2002 by Agent(Update Owning Division) Funding division has been changed from NCS to SWSD

Entered on 18-May-2003 by Agent(Update Owning Division) Funding division has been changed from SWSD to AIM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: Before the Office of Petitions

: Intellectual Property Law Department

: International Business Machines Corp.

Michael R. Cooper, et al.

: Group Art Unit: 2171

Serial No.: 10/042,007

Confirmation Number: 4935

Filed: 01/08/2002

Title: Automatically Populating An Application's

Working Directory With Files Having A Specified Type

: 11400 Burnet Road

VDe .

: Austin, Texas 78758

From Other Directory Locations

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Mail Stop: Petitions Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

State of Texas

S.S.

County of Travis)

Marilyn Diane Smith Dawkins, being duly sworn, deposes and says:

 A search of the file jacket and docket records indicated that the "Notice to File Corrected Application Papers" for AUS9-2001-0030-US1 (Serial Number 10/042,007) was not received.

Marilyn Diane Smith Dawkins

Endewwen)

Sworn to and subscribed before me this

LESLIE A. VANLEEUWEN
Notary Public, State of Texas
My Commission Expires
January 11, 2005

AUS9-2001-0030US1

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